

274

TRANSCRIPT OF PROCEEDINGS

CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

ORIGINAL

----- -x	
CHARLES KUEPER,	:
	:
Plaintiff,	:
	:
v.	:
TOBACCO	:
R. J. REYNOLDS COMPANY, THE	:
TOBACCO INSTITUTE, INC., and	:
REESE DRUG STORES, INC.,	:
	:
Defendants.	:
	:
----- -x	

Case Number
91-L-734

DEPOSITION OF BURLEIGH LEONARD

Washington, D. C.

Thursday, June 25, 1992

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CHARLES KUEPER,

Plaintiff,

v.
TOBACCO
R. J. REYNOLDS COMPANY,
THE TOBACCO INSTITUTE, INC.,
and REESE DRUG STORES, INC.,

Defendants.
- - - - -X

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Washington, D. C.

Thursday, June 25, 1992

BRUCE N. COOK, ESQ.
Cook, Shelvin & Keefe Ltd.
12 West Lincoln Street
Belleville, Illinois 62220
On behalf of Plaintiff.

-- continued --

410-684-2550

APPEARANCES:

THOMAS R. PETERS, ESQ.
Gundlach Lee
P. O. Box 899
Belleville, Illinois 62223
On behalf of Defendant R.J.
Reynolds Company.

Tobacco

LILY D. BELLINI, ESQ.
Jones, Day, Reavis & Pogue
Metropolitan Square
1450 G Street, N.W.
Washington, D. C. 20005-2088
On behalf of Defendant R.J.
Reynolds Tobacco Company.

PAUL G. CRIST, ESQ.
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
On behalf of Defendant
R. J. Reynolds Tobacco
Company.

LARRY E. HEPLER, ESQ.
Burroughs, Simpson, Hepler,
Broom & MacDonald
P. O. Box 510
Two Mark Twain Plaza
Suite 300
103 North Main Street
Edwardsville, Illinois 62025-0510
On behalf of Defendant The Tobacco
Institute, Inc.

CHARLES L. JOLEY, ESQ.
Donovan, Rose, Nester
& Szewczyk, P.C.
8 East Washington Street
Belleville, Illinois 62220
On behalf of Defendant
Reese Drug Stores, Inc.

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C O N T E N T S

WITNESS

EXAMINATION

Burleigh Leonard

by Mr. Cook

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1 P R O C E E D I N G S

2 Whereupon,

3 BURLEIGH LEONARD

4 was called as a witness and, having first been duly sworn,
5 was examined and testified as follows:

6 EXAMINATION

7 BY MR. COOK:

8 Q Would you state your name and address, sir.

9 A Burleigh Leonard, [DELETED]

10
11 Q How old a man are you, sir?

12 A 41.

13 Q I believe you told me yesterday that you were
14 named for Burleigh Grimes?

15 A That is a fact.

16 Q Did you play baseball?

17 A I did not.

18 Q You didn't throw a spitter or anything like
19 that?

20 A No, sir.

21 Q Did you shoot a back hole? I believe Burleigh
22 Grimes shoots slippery hole, by the way.

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1 A You know more than I do.

2 Q I know a lot about spitting. This morning I
3 made a point of -- where were you raised, Mr. Grimes?

4 A Mr. Leonard, you mean?

5 Q I will just call you Mr. Leonard.

6 Where were you raised?

7 A I was born in Cape Girardeau, Missouri, moved to
8 Cabool, Missouri, moved to Kansas City, and finally St.
9 Louis where I spent most of my formative years.

10 Q Do you know I almost wore my University of
11 Missouri T-shirt?

12 A Tattoo?

13 Q This is a Bruce tattoo.

14 MR. CRIST: I don't think he knew you almost
15 wore it today.

16 THE WITNESS: Did you graduate from there?

17 BY MR. COOK:

18 Q No, I didn't graduate from anywhere. You should
19 be able to tell that by the time we are finished here.

20 Where did you attend college?

21 A Princeton University.

22 Q What year did you graduate?

- 1 A 1973.
- 2 Q And what was your major field of study?
- 3 A English literature.
- 4 Q And following your graduation, what did you do
- 5 next?
- 6 A I taught school in New Orleans, Louisiana for
- 7 two years.
- 8 Q What school?
- 9 A ~~Isidore~~ ^{Isidore} Newman School.
- 10 Q Sounds like a Jewish cardinal.
- 11 A Well, as a matter of fact, it was ^a predominantly
- 12 Jewish school.
- 13 Q ~~Isidore~~ ^{Isidore} Jewish Cardinal Newman.
- 14 What did you teach, English?
- 15 A English.
- 16 Q Following that, what did you do next?
- 17 A Following that I went to work -- well, I went to
- 18 do some graduate study.
- 19 Q Where did you do that?
- 20 A Oxford University in England.
- 21 Q Were you on any type of scholarship?
- 22 A I was not. Paid my way.

1 Q Did you see Bill Clinton when you were over
2 there?

3 A I did not.

4 Q You didn't see Bill. I mean, Kansas City and
5 Little Rock are not that far apart. I believe he is from
6 roughly Arkansas anyway.

7 A I don't know where he is from.

8 Q I just flew into the downtown airport in Kansas
9 City about two weeks ago.

10 A You mean right downtown.

11 Q Really an experience. You have to circle
12 Ho Jo's.

13 What did you study at Oxford?

14 A English literature.

15 Q Did you meet the Crown Prince? He should have
16 been -- I guess he is older than that isn't he. Wasn't he
17 at Oxford?

18 A Do you mean Prince Charles?

19 Q Yes.

20 A I really don't know.

21 Q You didn't see him or anything like that?

22 A No.

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1 Q Did you take a degree from Oxford?

2 A I did not. Spent -- had my -- my journey there
3 was short-term because my mother developed an illness^{so} that
4 I had to return to be with her.

5 Q Following that, what did you do next?

6 A I then went to work for then-Attorney General
7 John Danforth in his campaign for the U.S. Senate.

8 Q I guess you know Clarence Thomas then?

9 A Very well.

10 Q God, you should be ashamed of yourself.

11 A I am not.

12 Q What?

13 A I am not.

14 Q Jesus. We lost an United States senator over
15 that who was a friend of mine, Alan Dixon.

16 MR. CRIST: Because of his vote on the Thomas
17 nomination?

18 MR. HEPLER: Hopeford ran.

19 MR. COOK: That's why he lost. He wouldn't have
20 lost if he had voted against Thomas.

21 BY MR. COOK:

22 Q Were you a paid member of Danforth's staff?

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1 A I was.

2 Q Who did he run against that time, Symington,

3 Litton?

4 A Symington, Litton, Hearnns were all in the race.

5 Q Litton was killed?

6 A Litton was killed tragically in that election

7 primary night, airplane accident. He won the primary,

8 yes.

9 Q But lost the war.

10 A Lost his life, certainly. And then I think the

11 Democrats put up former Governor Hearnns.

12 Q What did you do after that election was over?

13 Did you join his staff?

14 A I was fortunate to be invited to go to

15 Washington with him.

16 Q What year was that?

17 A Well, we came to Washington in January of 1977.

18 Q Was that the campaign where he said that two

19 terms were enough?

20 A That is the campaign.

21 Q That was the last one. The third one where he

22 said that they weren't --

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1 Q -- was Clarence Thomas on that campaign staff?

2 A No.

3 Q What did you do for Danforth then? How long did
4 you work with him?

5 A On the Senate staff?

6 Q Yes.

7 A I started out as a scheduler. I ultimately
8 became a legislative assistant handling food, agriculture,
9 environmental issues.

10 Q What committees was he on at that time?

11 A Let's see, at the time he was on, I think,
12 Government Affairs, I believe the Commerce Committee, but
13 my memory is shaky with respect to all of his committees.
14 He was not on the Senate Agriculture Committee which is
15 where most of my responsibilities were.

16 Q Does Missouri grow any tobacco at all?

17 A Yes, sir.

18 Q Burley?

19 A Yes, sir.

20 Q Is that the kind?

21 MR. CRIST: I think they are spelled
22 differently.

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1 BY MR. COOK:

2 Q I think they are, but only coincidentally.

3 How long did you do that?

4 A Work for Senator Danforth?

5 Q Yes.

6 A Just about two years.

7 Q That brings us up to when?

8 A Brings us up to about 1978-79.

9 Q What did you do then?

10 A Then went on the staff of the Senate Agriculture

11 Committee, minority staff.

12 Q Who was the chairman at that time?

13 A Senator Talmadge.

14 Q From Georgia?

15 A Yes, sir.

16 Q Who was the minority leader? Senior -- whatever

17 the hell you call him.

18 A I want to say Bob Dole.

19 MR. CRIST: This is Senate Agriculture

20 Committee?

21 THE WITNESS: Yes.

22 BY MR. COOK:

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1 Q How long did you work for the Senate
2 Agricultural Committee?

3 A About -- let's see, about two years.

4 Q Do you know Pete Scribner?

5 A No, I don't believe I do. Doesn't sound
6 familiar.

7 MR. HEPLER: Judge's --

8 MR. COOK: Brother.

9 MR. HEPLER: -- brother.

10 MR. COOK: Yes.

11 BY MR. COOK:

12 Q What did you do next?

13 A I then went to the White House.

14 Q My wife is going there this morning.

15 A Is that right?

16 Q Yes.

17 A For a tour?

18 Q I didn't ask her. I didn't ask you what you
19 went there for either.

20 How long were you with the White House?

21 A About 3-1/2 years.

22 Q What did you do in the Reagan Administration?

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1 A I was on the domestic policy staff handling food
2 and agriculture issues.

3 Q Who was your boss? Up to Michael Deaver?

4 A There were a succession of them. The last one I
5 had was a fellow by the name of Ed Harper.

6 Q What about Deaver. Was he in that group of
7 people?

8 A No, he was not.

9 Q Who was the first person who was the head of the
10 domestic policy staff?

11 A How soon we forget.

12 Q They obviously don't have anybody over there now
13 in that position, so --

14 A Well, they have somebody there.

15 Q Are you sure?

16 A Yes, Roger Porter.

17 Q I wonder if he is on vacation.

18 A I can see the man's face, but I can't recall his
19 name.

20 Q That's fine.

21 What did you do on the domestic policy staff?

22 Did you work on agricultural issues?

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1 A Food and agricultural issues. The Cabinet was
2 broken down into a number of subcommittees referred to as
3 Cabinet councils. One of those Cabinet councils was on
4 food and agriculture and I was the staff person for that.

5 Q How long did you do that, 3-1/2 years?

6 A About 3-1/2 years. Left in August of '84.

7 Q What did you do then?

8 A Went with RJR/Nabisco. It was then, I believe,
9 RJR Industries.

10 Q Who do you work for now?

11 A Well, I have two titles.

12 Q Okay. Tell me what they are.

13 A One with the tobacco company, R.J. Reynolds
14 Tobacco Company.

15 Q What is that title?

16 A Vice president.

17 Q Vice president of what?

18 A Federal government relations -- federal
19 government affairs.

20 Q What is your other title?

21 A Vice president.

22 Q Of RJR/Nabisco?

1 A Yes, sir.

2 Q What do you do for RJR/Nabisco?

3 A I am vice president for government affairs

4 there.

5 Q Both of them?

6 A Yes.

7 Q Which one pays you?

8 A RJR/Nabisco, Washington, Inc.

9 Q RJR/Nabisco, Washington, Inc.?

10 A Yes, sir.

11 Q Which would be a wholly-owned subsidiary of

12 what?

13 A I don't begin to know.

14 Q You don't begin to know who, the corporate

15 structure of RJR --

16 A I assume it's --

17 Q The parent corporation?

18 A The parent corporation, but I don't begin to

19 know all of the ins and outs of the structure.

20 Q What is the name of the parent corporation?

21 MR. CRIST: Of what, Bruce? RJR/Nabisco,

22 Washington, Inc.?

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1 MR. COOK: I don't know. He is the one that
2 said "parent corporation."

3 THE WITNESS: To my knowledge, it's RJR/Nabisco,
4 Inc. I don't know that for a fact.

5 BY MR. COOK:

6 Q Who's your immediate boss?

7 A B. Oglesby.

8 Q Is he a vice president in both companies?

9 A I think his title is more than just a vice
10 president. I think he is --

11 Q More than an MVP, most valuable player.

12 A He is senior vice president at RJR/Nabisco and I
13 think executive vice president for R.J. Reynolds Tobacco
14 Company.

15 Q Does your work differ as vice president of a
16 tobacco company than as vice president of RJR/Nabisco,
17 Washington, Inc.?

18 A To the extent that I am dealing with nontobacco
19 issues in the capacity of RJR/Nabisco, Washington, Inc.,
20 they would differ. To the extent that I am dealing with
21 tobacco issues, the differences are minuscule, if any.

22 Q Where are your offices, Mr. Leonard?

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1 A The RJR/Nabisco, Washington, Inc. offices.
2 Q Where are those located?
3 A They are located at 1455 Pennsylvania.
4 Q Not very far from here?
5 A No, sir.
6 Q Closer to the White House?
7 A Yes, sir, than here, yes.
8 Q What is the name of the building, just 1455
9 Pennsylvania?
10 A I believe it's the Willard office building.
11 Q Do you have a suite of offices or a floor?
12 A A suite.
13 Q How many people are employed there?
14 A Don't hold me to a precise count, but 15, 16,
15 something in that neighborhood.
16 Q Would you say that probably all of them, with
17 the possible exception of your superior, are paid by
18 RJR/Nabisco, Washington, Inc.?
19 A All but who did you say?
20 Q I don't know. I didn't ask you to comment on
21 who pays your boss.
22 A To my knowledge, all of us are paid by

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1 RJR/Nabisco, Washington, Inc.

2 Q Who is there besides you and B.? And you can
3 exclude clerical people, stenographers.

4 A Names of the people who are there?

5 Q And their positions.

6 A Tommy Payne.

7 Q How is Tommy?

8 MR. CRIST: Pardon me?

9 BY MR. COOK:

10 Q How is Tommy?

11 A I haven't seen him this morning.

12 Q That's okay.

13 What does he do?

14 A He is a director of government affairs for
15 RJR/Nabisco, federal government affairs, as a matter of
16 fact. Alan Caldwell; he, too, is director of federal
17 government affairs. Carol Thompson-Cole, she is vice
18 president for government affairs and environmental issues,
19 I think ^{that's} ~~is~~ the title. LeAnn Hensche; once again, I can't
20 quote you precisely, but I think it's government relations
21 associate. I think that covers the professionals. Did
22 you want secretaries?

1 Q No.

2 A There are also people associated with the
3 RJR/Nabisco Foundation. There are three or four
4 professionals associated with that.

5 Q What is that?

6 A That's our charitable corporate foundation.

7 Q Do you have a PAC?

8 A Yes, sir.

9 Q A political action committee?

10 A Yes, sir.

11 Q RJR/Nabisco, Washington, Inc. has a PAC?

12 A RJR -- well, RJR/Nabisco has a PAC, and Nabisco
13 has a PAC. They are affiliated PACs.

14 Q Is Nabisco a separate corporation from
15 RJR/Nabisco like RJR Tobacco is a separate corporation
16 from RJR/Nabisco?

17 A Yes, sir.

18 Q Nabisco's business is cookies.

19 A Among other things.

20 Q What else?

21 A Crackers, ^{biscuits.}
~~cups~~

22 Q What kind of crackers? Oh, I know what kind of

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1 crackers they make.

2 A What kind.

3 Q Saltines.

4 A That's good, Ritz.

5 Q They make Oreos, too, don't they?

6 A Yes, both regular and minis.

7 Q See, you poison them from both sides, don't
8 you.

9 A I guess I shouldn't let that comment stand
10 unanswered.

11 Q It doesn't -- those things make no difference.

12 These other folks that work there, do they all
13 have a background of being former employees of the United
14 States government?

15 A Not all of them, no, sir.

16 Q Who doesn't?

17 A I don't believe Alan Caldwell has ever been an
18 employee of the United States government, and I don't
19 believe Carol Thompson-Cole has ever been an employee of
20 the United States government.

21 Q What Senate committee deals primarily with
22 tobacco products, the Agricultural Committee or Commerce?

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1 A The Senate side, we are speaking of?

2 Q Senate side.

3 A Well, let's see. I guess you are looking at the
4 Senate Agriculture Committee, the Senate Commerce
5 Committee and you would certainly have to throw in the
6 Finance Committee, too.

7 Q The issues?

8 A Yes, sir, Senate Labor Committee. From time to
9 time, there have been some issues before the Armed
10 Services Committee.

11 Q When you worked on Senator Danforth's staff, did
12 you -- although Missouri may very well grow tobacco, I
13 don't think it's a large money crop in the state of
14 Missouri.

15 A It's not a large crop, no, sir.

16 Q Where do they grow it, down in Booneville in
17 that area?

18 A No, up in the northwest section of the state, up
19 close to ^{Westin,} ~~western,~~ Missouri.

20 Q Up by you?

21 A Up by me?

22 MR. CRIST: Where were you raised?

1 BY MR. COOK:

2 Q Kansas City?

3 A Well, I lived in Kansas City for a year. I
4 really consider myself from St. Louis.

5 Q Cardinal fan?

6 A Yes.

7 Q They won last night.

8 A 6 to 4, yes.

9 Q They stink.

10 MR. CRIST: Bruce, Cleveland is in the cellar.

11 MR. COOK: I think I can smell the Cuyahoga
12 River from here. Is it burning? Is it on fire lately?

13 BY MR. COOK:

14 Q I bet you know Lembus, don't you?

15 A No, sir.

16 Q You don't know Lembus from Cape Girardeau?

17 A No, sir.

18 Q You shouldn't call me "sir." It is incorrect to
19 do that.

20 A I was born in the hospital in Cape Girardeau.
21 We ~~technically~~ ^{actually} lived in a small town 50 miles south of
22 there.

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1 Q You hung around Kennett and fancy places like
2 that?

3 A Portageville.

4 Q Portageville?

5 A Yes.

6 Q What is the name of the place where they throw
7 the rolls at lunch down there? It's the honest-to-God
8 truth: they have people on the interstate where people
9 fire them at you from across the room.

10 MR. HEPLER: I have been there once.

11 MR. COOK: Old Missouri custom, show me.

12 MR. CRIST: Or throw me.

13 BY MR. COOK:

14 Q I hope they are not spitters.

15 Q What position does Senator Danforth have on the
16 cigarette controversy now, middle-of-the-roader, a
17 regulator?

18 A Well, I don't believe I have ever heard him
19 advocate smoking.

20 Q Being an Episcopalian minister or whatever he
21 is?

22 A That's right. Although I have known that from

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1 time to time he has enjoyed a good cigar, but to
2 characterize him as one or the other, I really couldn't.

3 Q How would you characterize Orrin Hatch?

4 A Generally, I would say he is probably unfriendly
5 to our positions on tobacco issues, but not necessarily
6 absolutely.

7 Q Who is the most -- the least friendly senator
8 towards tobacco issues now on the Democratic side?
9 Kennedy?

10 MR. CRIST: In the Senate, Bruce?

11 MR. COOK: Yes.

12 THE WITNESS: Well, Senator Kennedy has
13 certainly introduced a number of antitobacco bills. So if
14 you are using that criteria, you might say that about
15 him. There are other Senators who I would suspect would
16 have just as strong a feeling, perhaps, with respect to
17 tobacco.

18 BY MR. COOK:

19 Q Would you name those for me on the Democratic
20 side.

21 A Senator Bingaman.

22 Q How about your senator from Ohio? I will bet he

1 is --

2 MR. CRIST: Bruce, I don't know.

3 MR. COOK: I bet you don't vote for him. I send
4 him money.

5 MR. CRIST: Which one?

6 THE WITNESS: I would think he might be --

7 BY MR. COOK:

8 Q He is unfriendly to everybody.

9 MR. CRIST: Is that why you send him money?

10 MR. COOK: Except the poor and downtrodden.

11 MR. HEPLER: Of which he is not one.

12 MR. COOK: Of which he is not one, but he is
13 friendly to --

14 THE WITNESS: We are speaking Democrats now?

15 BY MR. COOK:

16 Q Yes, we are speaking Democrats.

17 A I suppose those are two or three who would --

18 Q Move up to Senator Simon from Illinois.

19 A Well, I have certainly known him to take a
20 position on an issue that we were involved in and he has
21 been on the other side of it, but I would not hold him out
22 as the most antitobacco senator from the Democratic side.

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1 Q What about when he was a senator? Before your
2 time?

3 A Before my time, but I really don't know where he
4 stood on those kinds of matters.

5 Q On the Republican side, people who are
6 unfriendly to tobacco, Packwood, Hatch?

7 A Packwood, once again, he has certainly taken
8 stands on issues that are opposite of ours. Probably
9 Hatfield, similarly inclined. It's really difficult --

10 Q I am surprised. The reason that Danforth seems
11 to be with that wing of the Republican party, to me,
12 anyway, since he votes against the President more than my
13 own senator, Alan Dixon, does.

14 A I found it pretty hard to predict a person's
15 position on tobacco issues, given his party affiliation
16 and his liberal position. It goes back and forth.

17 Q It crosses.

18 A Yes.

19 Q Has Senator Danforth's position changed or
20 moderated with respect to tobacco since you have become
21 employed by RJRT?

22 A Not to my knowledge.

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1 Q Do you meet with him from time to time?

2 A From time to time.

3 Q Would you say that you probably have more access
4 to Senator Danforth than somebody who had not been on his
5 staff?

6 A Well, I certainly have known him for a number of
7 years.

8 Q Do you like him?

9 A Very much.

10 Q Do you know his wife?

11 A I do.

12 Q Do you socialize in their home?

13 A I don't believe I have been in their home, no,
14 sir.

15 Q When is the last time that you spoke with
16 Senator Danforth?

17 A Probably at his -- on any issue, on any matter?

18 Q On anything.

19 A Probably at his daughter's wedding back in -- I
20 want to say February.

21 Q Did she get married here or in St. Louis?

22 A Here.

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1 Q Kind of strange that the guy from
2 Ralston-Purina -- I can't think think of his name, starts
3 with an S.

4 MR. HEPLER: Stirett.

5 MR. COOK: So pro-Clinton -- why is he a
6 pro-Clinton supporter? Do you know Bill very well?

7 THE WITNESS: ~~Not well~~ ^{No.} I know ^{of} him.
A

8 BY MR. COOK:

9 Q Do you know Bill Stirett?

10 A I do not.

11 Q Do you know of him?

12 A Only what you said.

13 Q He is CEO of Ralston-Purina which is the seat of
14 the Danforth fortune. What committees is Senator Danforth
15 on now in the United States Senate?

16 A Senate Finance and Senate Commerce. I know that
17 for sure.

18 Q Does he have occasion to vote on issues -- on the
19 Commerce Committee that affect tobacco?

20 A I would gather that he has. I can't think of a
21 specific instance that I could refer you to.

22 Q Have you discussed tobacco issues with Senator

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1 Danforth?

2 A Yes, sir.

3 Q What other Senators have you had occasion to
4 personally discuss tobacco issues with?

5 A Republican and Democrats?

6 Q They are all Senators.

7 A I wanted to make sure we were talking about the
8 class of characters that you wanted to speak about.

9 Senator Coats, Senator Helms --

10 Q I understand he is a courtly gentleman.

11 A Very much so.

12 Q Did you see some of his advertising and
13 political literature? They seem very courtly to me.

14 A Senator Sanford, Senator Fowler.

15 Q Senator Sanford would be a Democrat that you
16 would consider favorable to or friendly to tobacco?

17 A He is certainly a Democratic senator who
18 represents a tobacco-producing state and therefore has a
19 lot at stake with respect to tobacco issues. Senator
20 Fowler, Senator Nunn.

21 Q They raise a lot of tobacco in Georgia, too,
22 don't they?

1 A They do. Senator ~~Nichols~~ ^{Nickles.}

2 Q How long have you been with RJR? Since when?

3 A 1984.

4 Q I am trying to think. I guess you would have

5 had two years where -- would Danforth have been the head of

6 the Commerce Committee, the majority chairman or is that

7 '86 or '84 they changed? I can't remember.

8 A I can't think it was in 1980 --

9 Q Was it '80?

10 A -- with the elections in 1908 that brought Reagan

11 into the White House.

12 Q When did the Democrats reassume their heritage?

13 MR. HEPLER: Their heritage?

14 MR. JOLEY: 1934.

15 THE WITNESS: I think it was the following

16 election, following elections.

17 BY MR. COOK:

18 Q I think it was 1984. So you have never dealt

19 with a Republican Senate or a Senate where the committees

20 were chaired by Republicans since you have been with RJR?

21 A Well, I went with RJR in August of '84.

22 Q So if it was '84, you might have had a short

1 period.

2 A If it was '84 when the Democrats reassumed
3 majority party status, that would have been correct, for a
4 few months, but I really -- frankly, I don't remember.

5 Q What do you actually do for RJR?

6 A I represent the company before the federal
7 government, Congress and the Executive branch.

8 Q Do you testify?

9 A I have testified once.

10 Q How do you represent them? What do you do?
11 Write letters to them?

12 A Be in communication with appropriate people on a
13 given issue.

14 Q Would it be fair to say, Mr. Leonard, that some
15 of your time at least is spent in opposing further
16 regulation of the cigarette industry?

17 MR. CRIST: Object to the form of the question.
18 Go ahead.

19 THE WITNESS: Excuse me?

20 MR. CRIST: I just objected to the form of the
21 question. You can answer.

22 THE WITNESS: Oh, I didn't hear you.

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1 Would you mind restating that?

2 BY MR. COOK:

3 Q I will do it.

4 Would it be fair to say that a portion of your
5 time is spent in opposing further regulation of the
6 tobacco industry?

7 MR. CRIST: Same objection.

8 Go ahead.

9 THE WITNESS: I think it's fair to say that I
10 would spend a reasonable amount of my time opposing
11 certain issues that could be construed as additional
12 regulations of the tobacco industry. Whether it's all
13 issues --

14 BY MR. COOK:

15 Q Do you have any relationship at all,
16 professional, with the Tobacco Institute? Do you meet
17 with those folks and do you know who they are?

18 A I generally know who they are. I do have
19 occasion to meet with them and speak with them.

20 Q Do you combine your efforts from time to time on
21 their issues?

22 A I think it's fair to say that we stay in contact

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1 with respect to various issues. I don't think anybody
2 really coordinates anything with respect to how the member
3 companies conduct their activities, but they usually keep
4 each other informed.

5 Q I am given to understand, by a very credible
6 witness -- very attractive, too, I might add -- that the
7 executive committee meets quarterly. Have you ever met
8 with the executive committee of the Tobacco Institute?

9 A No, sir.

10 Q You are not a member of the executive committee?

11 A No, sir.

12 Q Do you know that they do, in fact, meet?

13 A I know that they do meet, yes, sir.

14 Q Do you know, generally, who is on the executive
15 committee of Tobacco Institute?

16 A Generally speaking, yes, sir.

17 Q It would be the CEOs of the major tobacco or
18 cigarette producers in the United States; is that your
19 understanding?

20 A That's my understanding.

21 Q Including your own Mr. Johnston.

22 A Yes, sir.

1 Q Do you know Mr. Johnston?

2 A Yes, sir.

3 Q Do you feel jealous of him because he is from
4 Illinois and you are from Missouri?

5 MR. CRIST: I don't think that necessarily calls
6 for an answer.

7 MR. HEPLER: Sort of the natural jealousy that
8 occurs, football, basketball.

9 MR. COOK: I shouldn't have said that; however,
10 he is for the Cubs and you are for the Cardinals. It's
11 obvious that Princeton is better than the University of
12 Illinois.

13 BY MR. COOK:

14 Q Are you aware of whether or not Mr. Ogleby is
15 either a member of the committee -- did he factor --

16 MR. HEPLER: I think he was a governor.

17 MR. COOK: Ogleby?

18 THE WITNESS: Ogle³_{by}.

19 BY MR. COOK:

20 Q Ogleby?

21 A Ogle³_{by}.

22 Q Well, I am close enough.

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1 What is his front name?

2 A His front name. I know him as B.

3 Q Don't you know what B. stands for?

4 A I do not.

5 MR. CRIST: His front name is M. M.B. Oglesby.

6 MR. COOK: Is it really.

7 MR. CRIST: I don't have a clue.

8 MR. COOK: "Mean bitch." No. Maurice Bernard.

9 We will find out who he is and I will write you and tell

10 you.

11 THE WITNESS: Please tell me.

12 BY MR. COOK:

13 Q I am sure it's something disgusting.

14 Do you smoke?

15 A I do not.

16 Q Paul does. He is loyal to the brand, too.

17 Have you ever?

18 A I have had a cigarette once or twice, yes.

19 Q Did you inhale?

20 A You have to ask Bill Clinton, I don't know.

21 Q Bill didn't.

22 MR. HEPLER: And he didn't enjoy it, either.

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1 MR. JOLEY: You know he is telling the truth.

2 BY MR. COOK:

3 Q Have you ever, since your graduation from
4 Princeton, smoked?

5 A Let's see, I smoked a pipe a couple of times
6 while I was at Princeton.

7 Q You have to. I understand that.

8 A Kind of goes with the territory. Since
9 graduating from Princeton, I doubt it.

10 Q Prior to the time when you went to work for RJRT
11 or RJRN or RJRW, NWI or whatever they are, Reynolds, did
12 you ever express, personally, antitobacco sentiments when
13 you were on the Agriculture Committee or anything like
14 that?

15 A I don't believe I have ever had any antitobacco
16 sentiments to express. Therefore, I wouldn't have
17 expressed them.

18 Q What about chewing tobacco? Did you ever try
19 any? You are from Cape Girardeau, for Christ's sake. You
20 should have.

21 MR. CRIST: He was born there.

22 THE WITNESS: ^{I have} Not tried it.

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1 MR. COOK: Let me tell you, down where he was
2 born, they eat chewing tobacco, they don't chew it.
3 Redman.

4 THE WITNESS: I have never tried it.

5 BY MR. COOK:

6 Q Never tried a plug or leaf or anything like
7 that?

8 A No, sir.

9 Q I bet you knew some people who did down that
10 way, didn't you?

11 A Yes, sir.

12 MR. HEPLER: Bruce, do you still chew?

13 MR. COOK: I do every damn thing there is.
14 Doesn't make any difference to me. I have seen the
15 elephant and talked with the owl.

16 MR. CRIST: What?

17 MR. HEPLER: Being close to please.

18 ~~MR. CRIST~~^{COOK:} From Pecosville, P-e-c-o-s, named
19 after the Pecos River, great American trilogy. Have you
20 ever read Pecosville?

21 THE WITNESS: Who wrote that? McMurtry?

22 MR. COOK: No, my dad read it to me as a child.

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1 MR. CRIST: As an English major, he is not one
2 to read --

3 THE WITNESS: Well --

4 BY MR. COOK:

5 Q Did you ever try any smokeless tobacco?

6 A No, sir.

7 Q Any bandits or anything like that?

8 A No, sir.

9 Q Do your parents smoke, either one of them?

10 A My dad. I have seen my dad with a pipe or a
11 cigar, but neither of them smoke cigarettes.

12 Q What does your dad do for a living?

13 A Methodist minister.

14 Q I guess you didn't drink much when you were
15 raised, either?

16 A No, sir.

17 Q Do you now?

18 A No, sir. I mean, it passes my lips, but I am
19 not a regular imbibor.

20 Q Lips that touch liquor shall never touch mine.
21 Unfortunately, that's another failing that I have.

22 MR. CRIST: I take great reassurance in that,

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1 Bruce.

2 MR. COOK: I will drink to that, too. Do you
3 have some more coffee? I want a beer while we are really
4 getting warmed up here.

5 (Recess.)

6 BY MR. COOK:

7 Q Mr. Leonard, are you married?

8 A Yes, sir.

9 Q Do you have children?

10 A No, sir.

11 Q You have come to the right store; I have some
12 spares. They smoke and drink, too. So you can use them
13 and put them on display -- they don't smoke.

14 Since you have been with RJR, have you -- has it
15 ever come to your attention that some governmental body
16 that you are dealing with has wanted to further restrict
17 the rights of the manufacturers of tobacco products in
18 their right to advertise?

19 A Are you speaking about a government agency,
20 Executive branch, Congress?

21 Q Anybody. It's the preface to a conversation
22 about advertising.

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1 A Well, there have been, certainly, proposals to
2 restrict cigarette advertising.

3 Q Do you oppose those?

4 A Categorically, I couldn't say that as a blanket
5 statement, but I have known us to oppose some.

6 Q Do you generally oppose restrictions on the
7 rights of cigarette manufacturers such as RJR to advertise
8 their products?

9 A We believe that as long as the advertisements
10 are truthful and fair, that we should have the right to
11 advertise, yes, sir.

12 Q One of the things about you, you seem like a
13 reasonable person. Since you are Methodist, obviously you
14 are honest. One of the things that I find amusing is the
15 cigarette company's position that cigarette advertising
16 does not encourage people to begin smoking. Do you
17 acknowledge that that is the position of the cigarette
18 industry?

19 MR. CRIST: I object to the form of the
20 question. I think the question is, do you agree that the
21 companies have a position that advertising doesn't
22 encourage people to begin smoking?

1 MR. COOK: I hope that was the sense of what I
2 said.

3 MR. CRIST: I was trying to get rid of the front
4 end of it, Bruce.

5 THE WITNESS: I think the company objects to the
6 notion that cigarette advertising initiates smoking.

7 BY MR. COOK:

8 Q Does it make it more desirable for people to
9 smoke than not smoke?

10 A Advertising, in and of itself, I don't think
11 causes people to think that it is more desirable or less
12 desirable to smoke.

13 Q You think the advertising is only for brand
14 preference, to encourage people --

15 A Brand switching?

16 Q Yes.

17 A Or brand loyalty.

18 Q That's what you think?

19 A Yes, sir.

20 Q Philip Morris has the largest market share,
21 don't they?

22 A In the United States, yes, sir.

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1 Q It would seem to me that they would want to ban
2 and be with the -- ban the bombers on advertising to
3 prevent you from getting into their market share.
4 Wouldn't that seem to be a reasonable position?

5 MR. CRIST: I object to the form of the
6 question. Are you asking what Philip Morris thinks?

7 MR. COOK: I was asking him whether that's a
8 reasonable position for me to think that?

9 THE WITNESS: I don't know what is reasonable or
10 unreasonable for you.

11 BY MR. COOK:

12 Q What do you think? Do you think it's
13 unreasonable if I think that? Don't you ever see things
14 that are unreasonable?

15 A Yes, sir.

16 Q Do you think that's -- I don't understand. I
17 started off by saying this was kind of amusing, but
18 because of this position on brand loyalty, you have the
19 principal contributors to Tobacco Institute, which also
20 opposes further restriction on advertising -- the principal
21 contributors are Philip Morris and RJRT, who have the
22 majority of the market for cigarettes. It seems to me

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1 that they ought to be -- unless they are trying to
2 encourage people to smoke, that they ought to be for bans
3 on advertising because they have this majority share.

4 MR. CRIST: I would object to the form of the
5 question.

6 MR. COOK: That wasn't a question.

7 MR. CRIST: I know.

8 You don't have to answer it. There is no
9 question.

10 BY MR. COOK:

11 Q So, therefore, my previous question about why
12 are they so against bans on advertising, unless they, in
13 fact, think that this is horse hockey, that their
14 advertising, in fact, encourages people to smoke.

15 MR. CRIST: I object to the form of the
16 question.

17 Do you understand it?

18 THE WITNESS: Well, let me try to state what I
19 think. Whether it's responsive to the question, I don't
20 know.

21 BY MR. COOK:

22 Q Sure, go ahead and have a stab at it.

1 A With respect to Philip Morris, I can't answer.
2 With respect to RJR, I think the company has a very strong
3 interest in wanting to be able to continue to advertise,
4 to bring out new brands. It's hard to start a new brand
5 if you can't talk about it. I think that's a legitimate
6 reason why RJR, even though it's a significant player in
7 the tobacco market, would object to an advertising ban.
8 They could not speak to the new product introductions.

9 Q Have you read any of the Surgeon General's
10 reports?

11 A I have read parts of certain Surgeon General's
12 reports.

13 Q The last one, the 25-year one that is kind of a
14 collection of all of the reports, have you read that one?

15 MR. CRIST: Are you asking if he has read the
16 25th anniversary report or the most recent one?

17 BY MR. COOK:

18 Q 25th anniversary report.

19 A I don't believe I have. I don't remember.

20 Q Do you think cigarette smoking is addictive?

21 A No, sir.

22 Q Why not?

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1 A Well, I know a number of folks who have
2 stopped.

3 Q Do you know if people -- I assume you know people
4 who have been unable to stop, too.

5 A Well, I know people who smoke and people who say
6 that they might like to stop smoking. I don't know
7 whether they have ever tried to stop smoking.

8 Q Would you agree that if a person really wanted
9 to quit smoking and they tried to quit and they couldn't,
10 that that would be fair for a person to say they were
11 addicted?

12 MR. CRIST: Object to the hypothetical form of
13 the question.

14 THE WITNESS: I am not sure that -- I am not sure
15 that I am really qualified to speak about addiction in a
16 clinical sense, but personally, I think that there are
17 other factors, perhaps, that go hand in hand with
18 addiction rather than whether they can stop or not stop.

19 BY MR. COOK:

20 Q Has any person, organization, to your knowledge,
21 made or suggested that cigarette smoking is addictive?

22 A Yes, sir.

1 Q Who?

2 A I believe the Surgeon General.

3 Q Is that all?

4 A I don't have that as an all-inclusive list, but
5 I know he has.

6 Q He or she?

7 A Well, I believe the Surgeon General's report
8 that addressed addiction was written ^{during} ~~over~~ Koop's ^{tenure} so that's
9 why I referred to it in the masculine sense.

10 Q What about the American Cancer Society?

11 A They may very well have.

12 Q What about the synod for the Methodist Church?
13 Do you know whether or not there's a synod?

14 A Conference.

15 MR. CRIST: General conference, I think.

16 THE WITNESS: I don't know if they have anything
17 written policywise. It wouldn't surprise me if they did
18 have a policy against smoking or whatever.

19 BY MR. COOK:

20 Q I am talking specifically about addiction now.

21 A Addiction?

22 Q Addiction.

1 A Whether the Methodist Church has a position on
2 whether cigarettes are addictive?

3 Q Yes.

4 A I don't know.

5 Q Do you think that people can be addicted to
6 alcohol use?

7 A I do.

8 Q You wouldn't agree with the definition of
9 "addictive" that says that -- that may say that you wanted
10 to quit something, but that you were unable to do so.
11 That would be too simplistic for you?

12 A Yes, sir.

13 MR. CRIST: Bruce, I am sorry to interrupt. Can
14 we take a break so I can make a quick phone call?

15 MR. COOK: Sure.

16 (Recess.)

17 BY MR. COOK:

18 Q Has there been any proposals that relate to
19 addiction in the United States Congress since you have
20 been with RJRT?

21 A Yes, sir. I believe, as I recall, there have
22 been some number of proposals to require an addiction

1 warning label.

2 Q Did those seem to emanate out of Congressman
3 Waxman's committee?

4 A No, his subcommittee would have jurisdiction
5 over that subject matter. I believe that he has had
6 legislation before that subcommittee that had addiction
7 warning label legislation proposed in it.

8 Q Has RJRT opposed that?

9 MR. CRIST: I object to that question on the
10 basis of preemption, among other things. Supreme Court
11 yesterday held it was preempted.

12 BY MR. COOK:

13 Q That doesn't mean anything. Doesn't mean
14 anything with what the Supreme Court did, and also doesn't
15 mean anything in his objection.

16 A Would you read --

17 Q I will be glad to repeat it. It's easier for
18 me.

19 A Okay.

20 MR. CRIST: The objection does mean something,
21 Bruce. It's not an issue in the case.

22 MR. COOK: Perhaps not in your case.

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1 MR. CRIST: And not in your case.

2 MR. COOK: Might be in Tobacco Institute's case.

3 MR. CRIST: You didn't ask him about Tobacco
4 Institute.

5 MR. COOK: I perceive there being a relationship
6 between Tobacco Institute and RJRT that apparently you
7 don't see yet. The question was, is RJRT generally
8 opposed to any addiction warning proposal?

9 MR. CRIST: Same objection.

10 THE WITNESS: As I recall, most of those
11 addiction warning label provisions have come in the
12 context of larger bills with any number of provisions in
13 them. The company has had reservations and concerns with
14 respect to those bills in toto. Whether it was
15 specifically because of any given proposition^{or} was more in
16 the context of the totality of the legislation.

17 BY MR. COOK:

18 Q So, it would be fair to say that, in your mind,
19 RJR Reynolds T does not have a position at this time with
20 respect to whether or not an addiction warning should be
21 on cigarette packages?

22 MR. CRIST: I have a question. If a piece of

1 legislation were introduced calling for an addiction
2 warning, would Reynolds oppose it?

3 MR. COOK: No, you are assuming there is a
4 relationship between this question and its predecessor.
5 This is a different question.

6 MR. ~~COOK~~^{CRIST}: That's the problem. I am confused,
7 Bruce. It appeared to be entirely separate, but it could
8 well have related back. That's why I was trying to
9 clarify.

10 MR. COOK: Almost everything can relate back to
11 something, but this is just a question.

12 BY MR. COOK:

13 Q Is it fair for me to say that in your mind,
14 R.J. Reynolds Tobacco does not have a position with
15 respect to whether or not Congress should or should not
16 require a warning that says cigarette smoking is
17 addictive?

18 MR. CRIST: I would object again on the basis of
19 preemption. Go ahead.

20 THE WITNESS: Let me try to answer what I think
21 the question is, and I may be mistaken. The company, to
22 the best of my recollection, has not been presented with a

1 question of whether it opposes or favors legislation that
2 deals solely with an addiction warning label. So I don't
3 know for a fact that the company's position is, as you
4 have suggested, should be.

5 BY MR. COOK:

6 Q What do you think the company's position is?

7 A My guess, my speculation -- and that's about all
8 it is -- is that it would probably oppose an addiction
9 warning label.

10 Q Why do you think that they would oppose an
11 addiction warning label? Because they think, in fact,
12 it's not addictive.

13 A Well, because, my opinion is that cigarettes are
14 not addictive and so I am imposing my views here when you
15 ask me to guess what the company's position might be.

16 Q Sure, you are a vice president of the company.
17 Unfortunately or fortunately, you speak for them.

18 Do you think cigarette smoking causes cancer?

19 A I think cigarette smoking is a risk factor with
20 respect --

21 Q I didn't ask you that. I asked you, do you
22 think that cigarette smoking causes cancer?

1 A Well, I am not a physician --

2 Q I didn't ask you if you were a physician. I
3 asked you if you think -- you are a human being, aren't
4 you?

5 MR. CRIST: I object.

6 BY MR. COOK:

7 Q You have opinions, don't you? Do you think
8 cigarette smoking causes cancer?

9 A Once again, I am not a physician. I do not have
10 a clinical, medical background to say definitively, but in
11 my opinion, I do not believe that it has been shown that
12 cigarette smoking has been shown to cause cancer, lung
13 cancer.

14 Q Okay. You don't think that in, your mind,
15 cigarette smoking is addictive. This carpet that is below
16 us may cause lung cancer. You and I don't know
17 absolutely. We can't say that it does, but we probably
18 both have an opinion that it probably doesn't, don't we?

19 MR. CRIST: I object to the form of the
20 question.

21 THE WITNESS: It's always hard to prove a
22 negative. Yes, sir, if that's what you mean.

1 BY MR. COOK:

2 Q What do you think when you are -- what did you
3 think in 1982 when the Surgeon General's report came out
4 castigating cigarette smoking? Did you think that it was
5 unfair when you read about it in the Washington Post?

6 MR. CRIST: I object to the form of the
7 question.

8 THE WITNESS: The Surgeon General's report of
9 1982?

10 BY MR. COOK:

11 Q Yes.

12 A I don't have a definitive recollection of what
13 the Surgeon General's report of 1982 was.

14 Q When you were on the Senate Agricultural
15 Committee, you were on the minority staff?

16 A Yes, sir.

17 Q The head of the minority staff was that courtly
18 gentleman, Jesse Helms -- I mean Senate minority. Was he
19 the ranking member?

20 MR. CRIST: Senate minority of agriculture.

21 BY MR. COOK:

22 Q He was the ranking member, wasn't he?

1 A When I first went with the committee, I believe
2 Senator Dole was the ranking member, but I think
3 subsequently Senator Helms became ranking minority member.

4 Q Who hired you? Dole?

5 A Fellow by the name of George Dunlop,
6 D-u-n-l-o-p.

7 Q Who hired him?

8 A Senator Helms.

9 Q Senator Helms hired him?

10 A Yes, sir.

11 Q Did they question you about what your feelings
12 were about tobacco?

13 A "They" being --

14 Q "They," Mr. Dunlop, Mr. Helms?

15 A No, sir.

16 Q Do you lobby for and against legislation? I
17 don't mean lobby in terms of being a registered lobbyist,
18 but lobby in terms of the being a proponent or opponent.

19 A I lobby -- I suppose, in both senses, I am a
20 registered lobbyist.

21 Q You are a registered lobbyist.

22 Can you tell me what types of things that affect

1 the tobacco industry that you have lobbied against?

2 A Communicated the company's position on cigarette
3 excise taxes. I have communicated the tobacco company's
4 position on --

5 Q Price supports?

6 A Yes, as a matter of fact.

7 Q What is the company's position on price supports
8 to tobacco farmers?

9 A The cigarette company, as of 1985, ¹lent its
10 support to a proposal that would have government expenses
11 associated with tobacco price support programs shared by
12 growers and manufacturers. The industry favored -- the
13 company favored those modifications to the tobacco price
14 support program and, therefore, as it is currently
15 administered and currently run, the company supports it,
16 favors it.

17 Q How much do we spend annually in the United
18 States to support the price of tobacco products?

19 A Well, now, since 1985, the lion's share of the
20 taxpayer's money that goes to the tobacco price support
21 program is very, very small.

22 Q Like what?

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1 A Well, as I recall, I think it's to cover the
2 administrative support that the Commodity Credit
3 Corporation staff ^{provides.} ~~undergoes~~ With respect to administering
4 the price support program in terms of the actual outlays
5 to the grower, ~~those~~ are accommodated by a fund that is
6 contributed to by both growers and manufacturers so that
7 no taxpayer's money actually is put into the hands of the
8 grower.

9 Q So there are no federal price supports?

10 A I didn't say that. I said there is no U.S.
11 taxpayers' money that is given to tobacco growers in the
12 form of nonrecourse loan receipts.

13 Q Are there U.S. price supports for tobacco
14 products?

15 A There is a tobacco price support program which,
16 by virtue of limits on the amount of tobacco that can be
17 produced, provides for a higher price, presumably, than
18 what you would otherwise have for tobacco, but it is not a
19 case in which the program is administered by virtue of a
20 transference of taxpayer funds to growers.

21 Q Have you ever been involved and lobbied with
22 respect to restrictions on the sale or use of cigarettes?

1 For example, the airline thing, were you involved in that?

2 A Yes, sir, I communicated the company's position
3 on smoking ^{on} ~~in~~ airlines.

4 Q That would be that you lobbied against the
5 regulation then?

6 A I urged the appropriate members of Congress to
7 vote against such a proposal, yes, sir.

8 Q Did you meet with Mr. Danforth on that?

9 A No, sir.

10 Q How did he vote on it?

11 A Well, let me see. I don't remember all of the
12 procedural niceties. I am not sure that there was a roll
13 call vote in the Senate. There were certainly a couple of
14 roll call votes on the House side, but I can't recollect a
15 roll call vote on the Senate side, so I don't know.

16 Q How would it pass without a roll call vote?

17 A A voice vote.

18 Q So they don't have to take a published position?

19 A Yes, sir.

20 Q Have you ever done any research or ever read
21 anything about when people start smoking?

22 A I have seen reports. I can't say it was part of

1 a concerted research effort on my part, but I have
2 certainly seen reports on that matter.

3 Q Would it be your general understanding as a
4 human being that most people who start smoking start
5 before they are old enough to consume liquor legally in
6 the United States?

7 MR. CRIST: I object to the form of the
8 question.

9 THE WITNESS: I don't really know.

10 BY MR. COOK:

11 Q Do you think that a lot of people who, after age
12 21 -- that a large percentage of the people who smoke
13 started smoking after they were 21 years old?

14 MR. CRIST: Could I have it read back?

15 (The reporter read the record as requested.)

16 MR. CRIST: I object to the form of the
17 question.

18 THE WITNESS: I don't know.

19 BY MR. COOK:

20 Q If it were true that, say, that 90 percent of
21 the people who are habitual smokers started smoking before
22 they were 21, a large percentage, over 90 percent, would

1 you be concerned about that?

2 MR. CRIST: I object to the form of the
3 question.

4 THE WITNESS: Well, I can't answer that
5 categorically. I mean, in some instances, maybe, and in
6 some instances, not.

7 BY MR. COOK:

8 Q Do you have any idea how many of the people who
9 are habitual smokers started smoking before the legal age
10 of consent?

11 MR. CRIST: I object to the form of the
12 question.

13 Do you know what the "legal age of consent"
14 means?

15 THE WITNESS: I assume it means the age at which
16 they are permitted to purchase tobacco products, but I
17 don't know what you mean.

18 BY MR. COOK:

19 Q That would be one of the things in most states,
20 right to vote, right to contract. Generally it's 18,
21 although in North Carolina it's 17.

22 A And the question? I just don't recall.

1 Q Do you have a general understanding that most of
2 the people who are habitual smokers started smoking,
3 experimented with cigarettes, before they reached the age
4 of legal consent?

5 MR. CRIST: I object to the form of the
6 question.

7 MR. HEPLER: Show my objection because it stated
8 two things. "Started" and "experimented" are not the same
9 thing.

10 THE WITNESS: I have heard -- I have read that
11 there are those who try cigarettes before the age of legal
12 consent, defined, in my mind, as the age before which they
13 can legally purchase tobacco products in a given
14 jurisdiction.

15 BY MR. COOK:

16 Q Where did you go to high school? ^{Priority?} ~~Prairie?~~ No,
17 that's Catholic.

18 A ^{Ladue} ~~Ladue~~ High School.

19 Q ^{Ladue?} ~~Ladue?~~

20 A Yes, sir.

21 Q Shame on you.

22 Were you a scholarship student probably?

1 A It was a public high school.

2 Q I know, you are right.

3 A But you are right. My family brought down the
4 average income on the block.

5 Q I don't know. Did a lot of your high school
6 classmates smoke when they went to high school?

7 A No, sir.

8 MR. HEPLER: Compared to Bruce's block. His
9 kids raised the average one.

10 BY MR. COOK:

11 Q That's right. On my block, I am the only one.

12 Are you aware of the fact that there are data
13 that tend to show that people of lower educational or
14 lower socioeconomic status in our country tend to smoke
15 more than people who have better educations and better
16 jobs?

17 MR. CRIST: Object to the form of the question.

18 Go ahead.

19 THE WITNESS: I have heard of that data, yes,
20 sir.

21 BY MR. COOK:

22 Q As an Oxford Don, why don't you give us your

1 analysis of why you think that people who have more
2 education tend to smoke less than people who are lower on
3 the educational scale. Just throw out a few ideas for us,
4 like kind of an advertising guy.

5 MR. CRIST: Brainstorm?

6 THE WITNESS: Well, it may very well be that
7 they perhaps come from families with similar educational
8 backgrounds and who, for whatever reasons, chose not to
9 smoke and, therefore, were not raised in an environment in
10 which parents or peers did smoke. That would be one
11 possibility.

12 BY MR. COOK:

13 Q What about this for a possibility: that people
14 who are from better economic backgrounds have more
15 education, might be able to appreciate more of the risks
16 that are presented by smoking?

17 MR. CRIST: I object to the form of the
18 question.

19 THE WITNESS: That may be, I don't know.

20 BY MR. COOK:

21 Q If we take a moron, a person with a 70 IQ and we
22 take a person like yourself with 140 or 150, or perhaps

1 even higher, you know, or even like Paul here, 103 --

2 MR. CRIST: Now, I object to the form of the
3 question and I instruct the witness not to answer that,
4 Bruce.

5 BY MR. COOK:

6 Q Do you think that maybe a person with very
7 limited intellectual capacity might have difficulty
8 appreciating the fact that there are risks associated with
9 the use of cigarettes than perhaps somebody such as
10 yourself?

11 MR. CRIST: Object to the form of the question.
12 Go ahead.

13 THE WITNESS: It's my impression that there is a
14 widespread understanding of the risks associated with
15 smoking.

16 BY MR. COOK:

17 Q Morons or not, huh?

18 A And while there may be a marginal difference in
19 the appreciation between one of a lower IQ and one of a
20 higher IQ, I think the background noise on warnings about
21 cigarettes and problems associated with cigarettes has
22 left an impact.

1 Q You know, modesty, of course, is a virtue, but I
2 assume that you think you are pretty well-educated, you
3 know, Princeton, Oxford, ^{Ladue}~~Labuo~~ and all of that type of
4 stuff, don't you?

5 A I have had some advantages that others haven't.

6 Q And that you probably think that you have a
7 genetic advantage. You are probably smarter than some
8 other people.

9 MR. CRIST: I object to the form of the
10 question.

11 BY MR. COOK:

12 Q You don't? You think everybody is about as
13 smart as you, do you?

14 MR. CRIST: I object to that.

15 BY MR. COOK:

16 Q Do you?

17 A No, sir. I don't think about it much.

18 Q You have considered the risk factors in smoking,
19 haven't you, with cigarette smoking you consider them all
20 the time as a matter of your profession?

21 A Now, is this with respect to my ^{OWN}~~only~~ personal
22 decision to smoke?

1 Q No. I mean, you have considered this. You were
2 aware of the fact that there is or there are
3 epidemiological data --

4 A Yes, sir, I am aware of that.

5 Q -- that seem to establish that there is some
6 correlation or at least people who smoke cigarettes seem
7 to get lung cancer more than people who don't smoke
8 cigarettes. They may do other things, too. They may do
9 all kinds of things, that maybe people who smoke do
10 something else because of the smoking that does that. But
11 you are aware of those data, are you not?

12 MR. CRIST: I object to the form of the
13 question, Bruce. I don't even know what it is.

14 BY MR. COOK:

15 Q The question is, are you aware of the
16 epidemiological data that have concerns the risk factors
17 we have been talking about? Are you, or are you not,
18 generally?

19 A I am aware that there are statistical data
20 associating smoking with certain health circumstances.

21 Q You have been fortunate in your life. You are
22 able to read and write?

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1 A Yes, sir.

2 Q You know that the American Cancer Society, as
3 well as the Surgeon Generals of the United States, the
4 last six Surgeon Generals of the United States, have said
5 these data prove that cigarette smoking causes lung
6 cancer. You know that, don't you?

7 MR. CRIST: I object to the form of the
8 question.

9 Do you know that the last six Surgeon Generals
10 of the U.S. --

11 MR. COOK: I don't want you asking him
12 questions, "do you know." You can object to the form. I
13 may ask --

14 MR. CRIST: Bruce, you are asking a question
15 which assumes a foundation that he can't answer.

16 MR. COOK: I understand that. If he doesn't
17 know, he can say he doesn't know. I am going to terminate
18 this deposition. Based on that, I am going to ask that it
19 be supervised. I do not want you interrupting me and
20 implying to him -- you are just giving him instruction to
21 say, well, I don't know what they wrote. If he didn't
22 know, he can't answer, can he? I am terminating the

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1 deposition.

2 MR. CRIST: Bruce, the question assumed that to
3 be true.

4 MR. COOK: Then he can say it's wrong.

5 MR. CRIST: You didn't ask him about that.

6 MR. COOK: I asked him a legitimate question.
7 You interrupted him because you didn't like it. I am
8 getting sick of that shit. I am terminating this one and
9 we will get a ruling on it and we will let Mr. Leonard
10 finish his deposition later. That is strictly uncalled
11 for, for you to either imply -- you made your objection to
12 the form of the question, which means nothing anyway,
13 because you can always raise an objection as far as
14 admission.

15 I am allowed to try and to get him to say things
16 that you may not agree with. That's the purpose of this
17 deposition.

18 MR. CRIST: Bruce, you are asking him to assume
19 things which aren't true.

20 MR. COOK: You say they are not true. That's
21 fine. When his answer comes in, you can say, Judge, I
22 object to this because this is not true, and you can show

1 the Judge and it won't be an admission against him.

2 But, on the other hand, I am allowed to ask him
3 that. I just think, I have tolerated this from you all
4 the way through this, every time --

5 MR. CRIST: Oh, that is not true, Bruce.

6 MR. COOK: The hell it's not. We will let the
7 Judge rule on it. Mr. Leonard can come home and finish
8 his deposition.

9 MR. CRIST: You are welcome to proceed if you
10 choose.

11 MR. COOK: I am going to terminate it.

12 This deposition is terminated.

13 MR. CRIST: All right.

14 (Whereupon, at 11:10 a.m., the deposition was
15 terminated.)

16

17

18

BURLEIGH LEONARD

19

20

Subscribed and sworn to before me
this _____ day of _____, 19____.

21

22

Notary Public

My Commission Expires _____

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CERTIFICATE OF NOTARY PUBLIC & REPORTER

69

I, WENDY COX CASWELL, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.


Notary Public in and for the
District of Columbia

My Commission Expires NOVEMBER 14, 1992

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CORRECTIONS TO DEPOSITION OF BURLEIGH LEONARD

Page	Line	Correction:
Cover		Change Defendant's name to "R. J. Reynolds Tobacco Company"
1		Change Defendant's name to "R. J. Reynolds Tobacco Company"
2		Change Defendant's name to "R. J. Reynolds Tobacco Company"
6		Change "Isador" to Isidore"
6	11	Insert "a" between "was" and "predominantly"
6	13	Change "Isadore" to Isidore"
8	3	Insert "so" between "illness" and "that"
18	19	Delete comma after "think" and change "is" to "that's"
19	17	Replace the question mark with a period
19	21	Change "soup" to "biscuits"
21	19	Change "western" to "Westin"
22	21	Change "technically" to "actually"
28	7	Change "Not well, I know him" to "No, I know of him"
30	1	Change "Nichols" to Nickles"
34	18	Change "Ogleby" to "Oglesby"
34	21	Change "Ogleby" to "Oglesby"
36	22	Change "Not tried" to "I have not tried it"
37	18	Change "CRIST" to "COOK"
46	8	Change "over koop" to "during Koop's tenure"
49	15	Insert "or" between "proposition" and "was"
50	6	Change "COOK" to "CRIST"
55	9	Change "sent" to "lent"
56	3	Change "undergoes with" to "provides. With"
56	5	Replace period after "grower" with a comma, and change "Those" to "those"
57	3	Change "in" to "on"
60	16	Change "Prairie" to "Priory"
60	18	Change "LaDue" to "Ladue"

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